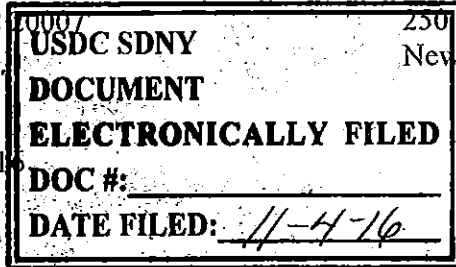


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November 2, 2016

VIA ECF



The Honorable P. Kevin Castel  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Richards-Donald, et al. v. Teachers Insurance and Annuity Association of America, et al.*,  
Case No. 15-cv-08040 (PKC)  
Joint Letter-Motion for Temporary Adjournment or Amendment of Case  
Management Plan and Scheduling Order

To the Honorable P. Kevin Castel:

In accordance with Rule 1.C of this Court's Individual Practices, the parties in the above-captioned action respectfully submit this letter-motion requesting that the Court temporarily adjourn or amend certain of the discovery deadlines imposed by the Case Management Plan and Scheduling Order. [Dkt. 23.] The parties have not previously requested adjournment or extension of the governing case management dates. There are no scheduled conferences before the Court.

On October 14, 2016, the parties submitted a Status Report to apprise the Court that they have an agreement in principle to settle the action. [Dkt. 34.] As detailed in the Status Report, prior to the submission of the proposed settlement to this Court for preliminary approval, Defendants have agreed to undertake certain actions related to the retirement plans at issue in the litigation (the "Plans") and propose changes to the Plans. Plaintiffs will have the opportunity to review those actions and proposed changes before they are incorporated into the settlement agreement. In light of these predicate steps, the parties requested that a deadline be set at least 180 days from the filing of the Status Report for the parties to move for preliminary approval of settlement (April 12, 2017).

Under the current Case Management Plan and Scheduling Order, fact discovery closes on November 18, 2016 [Dkt. 23 at ¶ 5]; expert discovery closes on January 23, 2017 [Dkt. 23 at ¶ 7a]; and final pretrial submissions are due 30 days after the close of expert discovery [Dkt. 23 at ¶ 11]. The parties respectfully request that these dates be adjourned pending the submission of a motion for preliminary approval of settlement. If the parties are unable to reach agreement and

**MEMO ENDORSED**

*The action is stayed until May 10, 2017. If no motion for preliminary approval has been filed prior to that date then the parties shall appear on May 12, 2017. SO ORDERED*  
*[Signature]*  
USDC  
11-4-16

Parties' Joint Letter-Motion  
Case No. 15-cv-08040 (PKC)  
November 2, 2016  
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file a motion for preliminary approval of settlement by the date set by the Court, they will immediately propose new deadlines for the timely completion of discovery (keeping with the Court's stated preference for an efficient approach to the discovery process).

Alternatively, the parties propose the following schedule:

- Fact discovery shall close 120 days after the deadline set by the Court for the parties to move for preliminary approval of settlement. If the Court sets the deadline 180 days after the submission of the Status Report (April 12, 2017), this date will be August 10, 2017.
- Expert discovery shall close 90 days after the close of fact discovery. If the Court sets the motion deadline 180 days after the submission of the Status Report (April 12, 2017), this date will be November 8, 2017.
- Final pretrial submissions shall be due 30 days after the close of expert discovery. If the Court sets the motion deadline 180 days after the submission of the Status Report (April 12, 2017), this date will be December 8, 2017.

A proposed amended Case Management Plan and Scheduling Order is attached hereto for the Court's consideration. All proposed changes to the governing Order have been highlighted in yellow.

Respectfully submitted,

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